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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KRISTIN M. MILES,

Plaintiff,

08 Civ. 1477 (RMB) (DFE)

- against -

ANSWER

THERESA MUELLER and KARL WILDER

Defendants.

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Defendants, THERESA MUELLER and KARL WILDER, answer the allegations
contained in Plaintiff's Complaint as follows:

1. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1.
2. Defendants admit the allegations contained in Paragraph 2.
3. Defendants deny the allegations contained in Paragraph 3.
4. Defendants state that Paragraph 4 contains legal conclusions that need not be either admitted or denied.
5. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5.
6. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6.

7. Defendants admit the allegations contained in Paragraph 7 to the extent that Plaintiff entered into a sublease for office space in Defendant Dr. Mueller's leased premises in or about May 2007, and deny that Plaintiff rented any part of Dr. Mueller's dental practice.

8. Defendants deny the allegations contained in Paragraph 8 in that plaintiff does not have a trademark, that the mark plaintiff claims is not unique to plaintiff, nor does plaintiff have exclusive rights to the mark claimed.

9. Defendants deny the allegations contained in paragraph 9 to the extent plaintiff alleges a distinctive mark, and deny knowledge sufficient to form a belief as to the truth of plaintiff's allegations regarding her use of the name Majestic Smiles, its promotion or the services plaintiff offers to the public.

10. Defendants deny knowledge sufficient to form a belief as to the truth of the plaintiff's allegations in paragraph 10.

11. Defendants deny the allegations contained in paragraph 11.

12. Defendants deny the allegations contained in paragraph 12.

13. Defendants deny the allegations contained in paragraph 13, but admit to the extent that Dr. Mueller directed members of her staff to mail promotional materials sometime in the fall of 2007.

14. Defendants deny sufficient knowledge to form a belief as to the truth of the plaintiff's allegations in paragraph 14, as they are vague, unclear and ambiguous as alleged. Defendants deny the allegations in paragraph 14 regarding unauthorized use of trademark.

15. Defendants deny sufficient knowledge to form a belief as to the truth of the plaintiff's allegations in paragraph 15, as they are vague, unclear and ambiguous as alleged.

16. Defendants deny the allegations contained in paragraph 16, but admit that defendants received letters dated December 14, 2007 from plaintiff's counsel, which document speaks for itself.

17. Defendants admit the allegations in paragraph 17 to the extent that they refer to the letter attached to the Complaint as Exhibit D.

18. Defendants deny the allegations contained in paragraph 18, except that Dr. Mueller registered the domain name referred to therein.

19. Defendants deny the allegations contained in paragraph 19.

20. Defendants repeat and reallege each and every answer contained in paragraphs 1-19 above as if set forth fully here.

21. Defendants deny the allegations contained in paragraph 21.

22. Defendants deny the allegations contained in paragraph 22.

23. Defendants repeat and reallege each and every answer contained in paragraphs 1-22 above as if set forth fully here.

24. Defendants deny the allegations contained in paragraph 24.

25. Defendants deny the allegations contained in paragraph 25.

26. Defendants repeat and reallege each and every answer contained in paragraphs 1-25 above as if set forth fully here.

27. Defendants deny the allegations contained in paragraph 27.

28. Defendants deny the allegations contained in paragraph 28.

29. To the extent that any allegations contained in the Complaint are not specifically responded to in this Answer, Defendants deny any and all such allegations.

FIRST DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiff's claims may be barred, in whole or in part, by the doctrines of waiver and estoppel, and laches.

THIRD DEFENSE

Plaintiff does not have subject matter jurisdiction.

FOURTH DEFENSE

Plaintiff has not suffered any injury, loss or damages as a result of any conduct of or actions by defendants.

FIFTH DEFENSE

At all times, defendants acted in good faith and without any harmful or malicious intent.

SIXTH DEFENSE

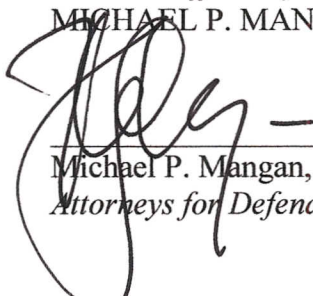
Karl Wilder is an improper party and has at all relevant times herein been an employee to defendant Dr. Mueller and was not acting in his individual capacity.

WEREFORE, defendants demand judgment against Plaintiff:

1. Dismissing the Complaint with prejudice;
2. Awarding defendants costs, disbursements and reasonable attorneys' fees; and
3. Granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York
March 21, 2008

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